

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

GARY M. RESTAINO  
United States Attorney  
District of Arizona

RICHARD A. DELLHEIM (NY Bar No. 2564177)  
EMILY R. BRAILEY (DC Bar No. 1684650)  
SEJAL JHAVERI (NY Bar No. 5396304)  
MARGARET M. TURNER (NY Bar No. 5869045)  
JENNIFER J. YUN (DC Bar No. 1600953)  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
4CON – Room 8.1815  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Tel.: (202) 353-5724 / Fax: (202) 307-3961  
Richard.Dellheim@usdoj.gov  
Emily.Brailey@usdoj.gov  
Sejal.Jhaveri@usdoj.gov  
Margaret.M.Turner@usdoj.gov  
Jennifer.Yun@usdoj.gov

*Attorneys for the United States*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,  
Plaintiffs,

v.

Adrian Fontes, et al.,  
Defendants.

And associated consolidated matters.

No. 2:22-cv-00509-SRB (Lead Case)  
No. 2:22-cv-01124-SRB (Consolidated)

## REQUEST FOR JUDICIAL NOTICE

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiffs respectfully ask the Court to take judicial notice of the following facts based on data and documents produced and published by the U.S. Census Bureau, the U.S. Department of Homeland Security, and other federal and state agencies. Facts that are “not subject to reasonable dispute” insofar as they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned” are subject to judicial notice. Fed. R. Evid. 201(b). Because the proposed facts from the government sources listed above meet that standard, judicial notice is appropriate.<sup>1</sup>

U.S. Census population data—and such data produced from other federal and state agencies—is readily ascertainable for purposes of Rule 201. Because the data at issue are available on government websites, *see* Exhibit 1, this Court may accurately and readily determine the facts at issue. *See, e.g., Teixeira v. County of Alameda*, 873 F.3d 670, 676 n.6 (9th Cir. 2017) (taking judicial notice of county website containing population data); *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (taking judicial notice of public records that “can be accessed at Santa Monica’s official website”).

As a result, courts routinely recognize U.S. census data as reliable and appropriate for judicial notice. *See United States v. Esquivel*, 88 F.3d 722, 726-27 (9th Cir. 1996); *Melendres v. Arpaio*, 989 F. Supp. 2d 822, 858 n.48 (D. Ariz. 2013); *Solid Landings Behav. Health, Inc. v. City of Costa Mesa*, No. 14-cv-1838, 2015 WL 13919156, at \*2 (C.D. Cal. Sept. 18, 2015). This includes both Decennial Census data and the Census Bureau’s American Community Survey (ACS) data. *See, e.g., PSM Holding Corp. v. Nat’l Farm Fin. Corp.*, No. 05-cv-08891, 2013 WL 12080306, at \*19 (C.D. Cal. Oct. 8,

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<sup>1</sup> Defendants’ positions are as follows: “At the time of filing, the State and Attorney General were still reviewing the motion in detail, but generally agreed that the kinds of documents identified in the motion are appropriate for judicial notice.” “The intervenor-defendants [Republican National Committee], Speaker Toma and President Petersen are also still reviewing the motion in detail to determine whether there are specific documents or proposed facts that [they] do not believe are appropriate for judicial notice.” At the time of filing, the Secretary of State had not communicated a position on this request.

2013). Census data are suitable for use in determining compliance with the Voting Rights Act and certain other federal laws governing elections. *See, e.g., Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 721 (N.D. Tex. 2009); *see also Evenwell v. Abbott*, 578 U.S. 54, 63-64 (2016) (using ACS data to determine compliance with one-person one-vote rule); *Montes v. City of Yakima*, 40 F. Supp. 3d 1377, 1392-93 (E.D. Wash. 2014) (overruling objection to use of ACS data in Voting Rights Act case); *Am. C.R. Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 790-91 (W.D. Tex. 2015) (overruling objection to use of census data in NVRA case).

Courts similarly recognize data compiled by other government agencies as public records. *See, e.g., United States v. Orozco-Acosta*, 607 F.3d 1156, 1164 n.5 (9th Cir. 2010) (taking judicial notice of statistics compiled by the U.S. Department of Homeland Security); *Paralyzed Veterans of Am. v. McPherson*, No. 06-cv-4670, 2008 WL 4183981, at \*5 (N.D. Cal. Sept. 8, 2008) (“[I]nformation on government agency websites . . . have often been treated as proper subjects for judicial notice.”); *see also Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998-99 (9th Cir. 2010). Thus, this Court may take judicial notice of the below population data, which are statistics that constitute “matters of public record [that are] directly relevant to the issue at hand.” *United States ex rel. Chao v. Medtronic PLC*, No. 17-cv-1903, 2021 WL 4816647, at \*5 (C.D. Cal. Apr. 12, 2021) (quoting *Funk v. Stryker Corp.*, 631 F.3d 777, 783 (5th Cir. 2011)); *see Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 999 (9th Cir. 2018).

In that same vein, courts may take judicial notice of documents published by government agencies, because such guidance is “publicly available” and “disseminated by a government agency.” *Martinez v. Mead Johnson & Co.*, No. 22-cv-00213, 2022 WL 15053334, at \*4 (C.D. Cal. Oct. 22, 2022), *appeal dismissed*, No. 23-55141, 2023 WL 5246374 (9th Cir. May 30, 2023); *see also Peviani v. Hostess Brands, Inc.*, 750 F. Supp. 2d 1111, 1116 (C.D. Cal. 2010) (taking judicial notice of “a regulatory guideline disseminated by the FDA in order to provide nonbinding guidance regarding requirements

1 for trans fat labeling”); *Daniels-Hall*, 629 F.3d at 998-99 (taking judicial notice of  
2 information published on school districts’ websites).

3 Lastly, the contents of the Federal Register are noticeable as a matter of law. *See*  
4 44 U.S.C. § 1507 (“The contents of the Federal Register shall be judicially noticed . . .”);  
5 *U.S. v. Woods*, 335 F.3d 993, 1001 (9th Cir. 2003) (holding that the district court  
6 “complied with federal law” when it judicially noticed a rule promulgated by the Federal  
7 Trade Commission that had been published in the Federal Register); *Bayview Hunters*  
8 *Point Cmty. Advocs. v. Metro. Transp. Comm’n*, 366 F.3d 692, 702 n.5 (9th Cir. 2004)  
9 (granting request for judicial notice of a proposed rulemaking published in the Federal  
10 Register).

11 Accordingly, Plaintiffs request that this Court take judicial notice of the following  
12 facts:

13 **U.S. Census Records**

- 14 1. According to the 2020 Census, Arizona has a total population of 7,151,502. U.S.  
15 Census Bureau, *2020 Decennial Redistricting Data: Table P1* (2021) (Ex. 1),  
16 <https://data.census.gov/table/DECENNIALPL2020.P1?g=040XX00US04>.
- 17 2. According to the 2020 Census, Arizona has a voting-age population of 5,541,976.  
18 U.S. Census Bureau, *2020 Decennial Redistricting Data: Table P4* (2021) (Ex. 2),  
19 <https://data.census.gov/table/DECENNIALPL2020.P4?q=P4&g=040XX00US04>.
- 20 3. Data tabulated in the U.S. Census Bureau’s 2021 1-Year American Community  
21 Survey (“ACS”) B05003 series of tables. U.S. Census Bureau, *B05003 Sex by Age*  
22 *by Nativity and Citizenship Status* (2021) (Ex. 3),  
23 [https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
24 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
25 Census Bureau, *B05003A Sex by Age by Nativity and Citizenship Status (White*  
26 *Alone)* (2021) (Ex. 4),  
27 [https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
28 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003A?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.

1 Census Bureau, *B05003B Sex by Age by Nativity and Citizenship Status (Black or*  
2 *African American Alone)* (2021) (Ex. 5),  
3 [https://data.census.gov/table/ACSDT1Y2021.B05003B?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003B?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
4 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003B?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
5 Census Bureau, *B05003C Sex by Age by Nativity and Citizenship Status (American*  
6 *Indian and Alaska Native Alone)* (2021) (Ex. 6),  
7 [https://data.census.gov/table/ACSDT1Y2021.B05003C?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003C?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
8 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003C?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
9 Census Bureau, *B05003D Sex by Age by Nativity and Citizenship Status (Asian*  
10 *Alone)* (2021) (Ex. 7),  
11 [https://data.census.gov/table/ACSDT1Y2021.B05003D?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003D?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
12 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003D?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
13 Census Bureau, *B05003F Sex by Age by Nativity and Citizenship Status (Some Other*  
14 *Race Alone)* (2021) (Ex. 8),  
15 [https://data.census.gov/table/ACSDT1Y2021.B05003F?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003F?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
16 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003F?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
17 Census Bureau, *B05003G Sex by Age by Nativity and Citizenship Status (Two or*  
18 *More Races)* (2021) (Ex. 9),  
19 [https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
20 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); U.S.  
21 Census Bureau, *B05003H Sex by Age by Nativity and Citizenship Status (White*  
22 *Alone, Not Hispanic or Latino)* (2021) (Ex. 10),  
23 [https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
24 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003G?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables); and U.S.  
25 Census Bureau, *B05003I Sex by Age by Nativity and Citizenship Status (Hispanic or*  
26 *Latino)* (2021) (Ex. 11),  
27 [https://data.census.gov/table/ACSDT1Y2021.B05003I?t=Populations+and+People&](https://data.census.gov/table/ACSDT1Y2021.B05003I?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables)  
28 [g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT1Y2021.B05003I?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables).

4. Data tabulated in the ACS 5-year Table B05003E on Sex by Age by Nativity and Citizenship Status (Native Hawaiian and Other Pacific Islander Alone). U.S. Census Bureau, *American Community Survey 2016-2020: Table B05003E* (2020) (Ex. 12), <https://data.census.gov/table/ACSDT5Y2020.B05003E?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables>.
5. The 2017-2021 ACS estimated that the citizen voting-age population (CVAP) of Arizona is 5,000,102. U.S. Census Bureau, *American Community Survey 2017-2021: Table B29001* (2022) (Ex. 13), <https://data.census.gov/table/ACSDT5Y2021.B29001?q=B29001:+Citizen,+Voting-Age+Population+by+Age&g=040XX00US04>.
6. The 2021-2022 ACS estimated that Arizona's population of naturalized U.S. citizens is 477,730. U.S. Census Bureau, *American Community Survey 2021-2022: Table DP02* (2022) (Ex. 14), <https://data.census.gov/table/ACSDP1Y2022.DP02?q=DP02:+Selected+Social+Characteristics+in+the+United+States&g=040XX00US04>.
7. The 2020-2021 ACS estimated that in Arizona, people who identify as Hispanic are 34.0% of the voting-age population—over 1.5 million individuals, and 67.4% of naturalized citizens of voting age. U.S. Census Bureau, *American Community Survey 2020-2021: Table B05003I, Sex by Age by Nativity and Citizenship Status (Hispanic or Latino)* (2021) (Ex. 11), <https://data.census.gov/table/ACSDT1Y2021.B05003I?t=Populations+and+People&g=040XX00US04&y=2021&d=ACS+1-Year+Estimates+Detailed+Tables>.
8. The 2016-2020 ACS estimated that, of the Asian American citizens who are of voting age in Arizona, 21,874 are native born males, 35,042 are naturalized males, 21,655 are native born females, and 48,296 are naturalized females. U.S. Census Bureau, *American Community Survey 2016-2020: Table B05003D* (2020) (Ex. 7),

<https://data.census.gov/table/ACSDT5Y2020.B05003D?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables>.

9. The 2016-2020 ACS estimated that, of the Native Hawaiian and Other Pacific Islander citizens who are of voting age in Arizona, 5,066 are native born males, 306 are naturalized males, 3,958 are native born females, and 410 are naturalized females. U.S. Census Bureau, *American Community Survey 2016-2020: Table B05003E* (2020) (Ex. 12),  
<https://data.census.gov/table/ACSDT5Y2020.B05003E?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables>.
10. According to Census Bureau data from 2020, the below table summarizes the percentage of registered citizen voters by sex, race, and Hispanic-origin in Arizona. U.S. Census Bureau, *Current Population Survey* (November 2020) (Ex. 15),  
<https://www2.census.gov/programs-surveys/cps/tables/p20/585/table04b.xlsx>.

Sex, Race, and Hispanic-Origin	Percent Registered (Citizen)
Total	76.4
Male	72.4
Female	80.3
White alone	76.3
White non-Hispanic alone	80.1
Black alone	79.2
Asian alone	70.2
Hispanic (of any race)	66.8
White alone or in combination	76.5
Black alone or in combination	82.2
Asian alone or in combination	73.5

11. According to the 2020 Census, Arizona's Asian population of voting age is 205,298, and Arizona's Native Hawaiian and Other Pacific Islander population of voting age is 11,803. U.S. Census Bureau, *2020 Decennial Redistricting Data: Table P3* (2020) (Ex. 16),  
<https://data.census.gov/table/DECENNIALPL2020.P3?t=Voting+and+Registration&g=040XX00US04&moe=false>.



1 12. The 2020-2021 ACS estimated that, for Asian American Arizonans born outside the  
 2 U.S., 20.9% entered the U.S. between 2000 and 2009, and 35.1% entered in 2010 or  
 3 later. U.S. Census Bureau, *American Community Survey 2020-2021: Table S0201*  
 4 (2021) (Ex. 17),

5 [https://data.census.gov/table/ACSSPP1Y2021.S0201?q=Arizona&t=031:Age+and+](https://data.census.gov/table/ACSSPP1Y2021.S0201?q=Arizona&t=031:Age+and+Sex:Citizenship&moe=false)  
 6 [Sex:Citizenship&moe=false](https://data.census.gov/table/ACSSPP1Y2021.S0201?q=Arizona&t=031:Age+and+Sex:Citizenship&moe=false).

7 13. The 2016-2020 ACS estimated that the total Asian population over the age of 5 in  
 8 Arizona is 227,326, of which 3,385 native born and 55,565 foreign born are limited  
 9 English proficient.<sup>2</sup> U.S. Census Bureau, *American Community Survey 2016-2020:*  
 10 *Table B16005D* (2020) (PX 466) (Ex. 18),

11 [https://data.census.gov/table/ACSDT5Y2020.B16005D?g=040XX00US04&y=2020](https://data.census.gov/table/ACSDT5Y2020.B16005D?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables)  
 12 [&d=ACS+5-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT5Y2020.B16005D?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables).

13 14. The 2016-2020 ACS estimated that the total Native Hawaiian and Other Pacific  
 14 Islander population over the age of 5 in Arizona is 13,417, of which 726 native born  
 15 and 803 foreign born are limited English proficient. U.S. Census Bureau, *American*  
 16 *Community Survey 2016-2020: Table B16005E* (2020) (PX 466) (Ex. 19),

17 [https://data.census.gov/table/ACSDT5Y2020.B16005E?g=040XX00US04&y=2020](https://data.census.gov/table/ACSDT5Y2020.B16005E?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables)  
 18 [&d=ACS+5-Year+Estimates+Detailed+Tables](https://data.census.gov/table/ACSDT5Y2020.B16005E?g=040XX00US04&y=2020&d=ACS+5-Year+Estimates+Detailed+Tables).

21  
 22 <sup>2</sup> The current definition of LEP is persons who speak English less than very well. The  
 23 Census Bureau has determined that most respondents over-estimate their English  
 24 proficiency and therefore, those who answer other than “very well” are deemed LEP. *See*  
 25 H.R. Rep. No. 102-655, at 8, as reprinted in 1992 U.S.C.C.A.N. 772. The Census Bureau  
 26 noted that research showed that those who reported speaking a non-English language at  
 27 home and speaking English “very well” performed as well on tests using English written  
 28 materials as English-only speakers. However, those who reported speaking a non-English  
 language at home and responded as speaking English “well,” “not well,” and “not at all”  
 performed worse on the test. The Census Bureau believed that those respondents could be  
 labeled as LEP and that “they may require materials and instructions in another language  
 in order to vote or secure basic services.” *See* U.S. Census Bureau, *Language Use and*  
*Linguistic Isolation: Historical Data and Methodological Issues* (Feb. 12, 2001) (paper  
 prepared for the session on Language Differences and Linguistic Isolation at the FCSM  
 Statistical Policy Seminar, Bethesda, MD Nov. 8-9, 2000).



- 1 15. Facts shared on the page “Arizona: 2020 Census.” U.S. Census Bureau, *Arizona’s*  
 2 *Population More Than 7 Million in 2020, Up 11.9% Since 2010* (2021) (PX 456)  
 3 (Ex. 20), [https://www.census.gov/library/stories/state-by-state/arizona-population-](https://www.census.gov/library/stories/state-by-state/arizona-population-change-between-census-decade.html)  
 4 [change-between-census-decade.html](https://www.census.gov/library/stories/state-by-state/arizona-population-change-between-census-decade.html).
- 5 16. Data tabulated in the ACS 5-year Table B16005 Series on Nativity by Language  
 6 Spoken at Home by Ability to Speak English for the Population 5 Years and Over.  
 7 U.S. Census Bureau, *American Community Survey 2016-2020: Table B16005* (2020)  
 8 (PX 466) (Ex. 21),  
 9 [https://data.census.gov/table/ACS5Y2020.B16005?t=Language+Spoken+at+Ho](https://data.census.gov/table/ACS5Y2020.B16005?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
 10 [me&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACS5Y2020.B16005?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
 11 *Community Survey 2016-2020: Table B16005A Nativity by Language Spoken at*  
 12 *Home by Ability to Speak English For The Population 5 Years And Over (White*  
 13 *Alone)* (2020) (PX 466) (Ex. 22),  
 14 [https://data.census.gov/table/ACS5Y2020.B16005A?t=Language+Spoken+at+H](https://data.census.gov/table/ACS5Y2020.B16005A?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
 15 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACS5Y2020.B16005A?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
 16 *Community Survey 2016-2020: Table B16005B Nativity by Language Spoken at*  
 17 *Home by Ability to Speak English For The Population 5 Years And Over (Black or*  
 18 *African American Alone)* (2020) (PX 466) (Ex. 23),  
 19 [https://data.census.gov/table/ACS5Y2020.B16005B?t=Language+Spoken+at+H](https://data.census.gov/table/ACS5Y2020.B16005B?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
 20 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACS5Y2020.B16005B?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
 21 *Community Survey 2016-2020: Table B16005C Nativity by Language Spoken at*  
 22 *Home by Ability to Speak English For The Population 5 Years And Over (American*  
 23 *Indian and Alaska Native Alone)* (2020) (PX 466) (Ex. 24),  
 24 [https://data.census.gov/table/ACS5Y2020.B16005C?t=Language+Spoken+at+H](https://data.census.gov/table/ACS5Y2020.B16005C?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
 25 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACS5Y2020.B16005C?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
 26 *Community Survey 2016-2020: Table B16005D Nativity by Language Spoken at*  
 27 *Home by Ability to Speak English For The Population 5 Years And Over (Asian*  
 28 *Alone)* (2020) (PX 466) (Ex. 18),

1 [https://data.census.gov/table/ACSDT5Y2020.B16005D?t=Language+Spoken+at+H](https://data.census.gov/table/ACSDT5Y2020.B16005D?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
2 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005D?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
3 *Community Survey 2016-2020: Table B16005E Nativity by Language Spoken at*  
4 *Home by Ability to Speak English For The Population 5 Years And Over (Native*  
5 *Hawaiian and Other Pacific Islander Alone)* (2020) (PX 466) (Ex. 19),  
6 [https://data.census.gov/table/ACSDT5Y2020.B16005E?t=Language+Spoken+at+Ho](https://data.census.gov/table/ACSDT5Y2020.B16005E?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
7 [me&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005E?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
8 *Community Survey 2016-2020: Table B16005F Nativity by Language Spoken at*  
9 *Home by Ability to Speak English For The Population 5 Years And Over (Some*  
10 *Other Race Alone)* (2020) (PX 466) (Ex. 25),  
11 [https://data.census.gov/table/ACSDT5Y2020.B16005F?t=Language+Spoken+at+Ho](https://data.census.gov/table/ACSDT5Y2020.B16005F?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
12 [me&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005F?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
13 *Community Survey 2016-2020: Table B16005G Nativity by Language Spoken at*  
14 *Home by Ability to Speak English For The Population 5 Years And Over (Two or*  
15 *More Races)* (2020) (PX 466) (Ex. 26),  
16 [https://data.census.gov/table/ACSDT5Y2020.B16005G?t=Language+Spoken+at+H](https://data.census.gov/table/ACSDT5Y2020.B16005G?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
17 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005G?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
18 *Community Survey 2016-2020: Table B16005H Nativity by Language Spoken at*  
19 *Home by Ability to Speak English For The Population 5 Years And Over (White*  
20 *Alone, Not Hispanic or Latino)* (2020) (PX 466) (Ex. 27),  
21 [https://data.census.gov/table/ACSDT5Y2020.B16005H?t=Language+Spoken+at+H](https://data.census.gov/table/ACSDT5Y2020.B16005H?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
22 [ome&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005H?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false); U.S. Census Bureau, *American*  
23 *Community Survey 2016-2020: Table B16005I Nativity by Language Spoken at*  
24 *Home by Ability to Speak English For The Population 5 Years And Over (Hispanic*  
25 *or Latino)* (2020) (PX 466) (Ex. 28),  
26 [https://data.census.gov/table/ACSDT5Y2020.B16005I?t=Language+Spoken+at+Ho](https://data.census.gov/table/ACSDT5Y2020.B16005I?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false)  
27 [me&g=040XX00US04&y=2020&moe=false](https://data.census.gov/table/ACSDT5Y2020.B16005I?t=Language+Spoken+at+Home&g=040XX00US04&y=2020&moe=false).  
28

- 1 17. Data tabulated in the ACS 5-year Table B16008 on Citizenship Status by Age by  
2 Language Spoken at Home and Ability to Speak English for The Population 5 Years  
3 and Over. U.S. Census Bureau, *American Community Survey 2017-2021: Table*  
4 *B16008* (2021) (PX 467) (Ex. 29),  
5 [https://data.census.gov/table/ACSDT5Y2021.B16008?t=Language+Spoken+at+Ho](https://data.census.gov/table/ACSDT5Y2021.B16008?t=Language+Spoken+at+Home&g=040XX00US04&y=2021&moe=false)  
6 [me&g=040XX00US04&y=2021&moe=false](https://data.census.gov/table/ACSDT5Y2021.B16008?t=Language+Spoken+at+Home&g=040XX00US04&y=2021&moe=false).  
7 18. Data tabulated in the ACS 5-year Table B05005 on Period of Entry by Nativity and  
8 Citizenship Status in the United States. U.S. Census Bureau, *American Community*  
9 *Survey 2017-2021: Table B05005* (2021) (PX 468) (Ex. 30),  
10 <https://data.census.gov/table/ACSDT5YSPT2021.B05005?q=b05005>.  
11 19. According to Census Bureau data from 2020, Americans of Hispanic descent are the  
12 community with the lowest percentage of registered citizen voters in Arizona. U.S.  
13 Census Bureau, *Voting and Registration in the November 2020 Election: Table 4(b)*  
14 (Ex. 31), [https://www.census.gov/data/tables/time-series/demo/voting-and-](https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html)  
15 [registration/p20-585.html](https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html).  
16 20. The 2020-2021 ACS estimated that, for Hispanic Arizonans born outside the U.S.,  
17 24.6% entered the U.S. between 2000 and 2009, and 14.7% entered in 2010 or later.  
18 U.S. Census Bureau, *American Community Survey 2020-2021: Table S0502* (2021)  
19 (Ex. 32), [https://data.census.gov/table/ACSST1Y2021.S0502?q=foreign-](https://data.census.gov/table/ACSST1Y2021.S0502?q=foreign-born+date+of+entry+arizona)  
20 [born+date+of+entry+arizona](https://data.census.gov/table/ACSST1Y2021.S0502?q=foreign-born+date+of+entry+arizona).  
21 21. The 2011-2015 ACS estimated that over 15% of Hispanic households in Arizona are  
22 limited English speaking. U.S. Census Bureau, *American Community Survey 2011-*  
23 *2015: Table B16002* (2015) (Ex. 33),  
24 [https://data.census.gov/table/ACSDT5YSPT2015.B16002?q=Arizona+english+spea](https://data.census.gov/table/ACSDT5YSPT2015.B16002?q=Arizona+english+speaking+by+race&t=400)  
25 [king+by+race&t=400](https://data.census.gov/table/ACSDT5YSPT2015.B16002?q=Arizona+english+speaking+by+race&t=400).  
26 22. The 2021-2022 ACS estimated that over seventy-five percent of naturalized U.S.  
27 citizens in Arizona speak a language other than English at home and over one third  
28

report speaking English less than “very well.” U.S. Census Bureau, *American Community Survey: Table B16005* (2022) (Ex. 34),  
<https://data.census.gov/table/ACSDT1Y2022.B16005?q=B16&g=040XX00US04&d=ACS+1-Year+Estimates+Detailed+Tables>.

23. The 2016-2020 ACS estimated that 19.2 percent of Latinos live in a household with an income falling below the poverty line, compared to 9.6 percent of white Arizonans and 14.1 percent of the overall population. U.S. Census Bureau, *American Community Survey 2016-2020: Table S1703* (2020) (Ex. 35),  
<https://data.census.gov/table/ACSST5Y2020.S1703?q=2020+poverty+arizona>.
24. The 2016-2020 ACS estimated that the median household income amongst the Latino population in Arizona is \$52,399, compared to \$61,529 in the total population and \$66,973 amongst white Arizonans. U.S. Census Bureau, *American Community Survey 2016-2020: Table S1903* (2020) (Ex. 36),  
<https://data.census.gov/table/ACSST5Y2020.S1903?q=2020+median+household+income+arizona+by+ethnicity>.
25. The 2016-2020 ACS estimated that 71.7 percent of Latinos in Arizona have received a high school diploma or the equivalent, compared to 94.8 percent of the white population. The 2016-2020 ACS estimated that 14.3 percent of Latinos have a bachelor’s degree or higher, compared to 36.6 percent of white Arizonans. U.S. Census Bureau, *American Community Survey 2016-2020: Table S1501* (2020) (Ex. 37),  
<https://data.census.gov/table/ACSST5Y2020.S1501?q=2020+high+school+diploma+arizona>.
26. The 2016-2020 ACS estimated that the unemployment rate for Latinos in Arizona is 6.2 percent, compared to 5.8 percent amongst the overall population and 5.0 percent amongst white Arizonans. U.S. Census Bureau, *American Community Survey 2016-*

1       2020: *Table S2301* (2020) (Ex. 38),

2       <https://data.census.gov/table/ACSST5Y2020.S2301?q=2020+unemployment+arizon>

3       a.

4       27. The 2017-2021 ACS estimated that 17.5% of the Hispanic citizen voting-age

5       population in Arizona are naturalized citizens. U.S. Census Bureau, *American*

6       *Community Survey 2017-2021: Table B16008* (2021) (Ex. 39),

7       [https://data.census.gov/table/ACSDT5YSPT2021.B16008?q=naturalized+voting+ag](https://data.census.gov/table/ACSDT5YSPT2021.B16008?q=naturalized+voting+age+citizens+in+arizona&t=-09)  
8       e+citizens+in+arizona&t=-09.

9       28. The 2016-2020 ACS estimated that over 18% of Spanish-speaking Arizonans speak

10       English “not well” or “not at all.” U.S. Census Bureau, *American Community*

11       *Survey 2016-2020: Table B16005* (2020) (Ex. 40),

12       <https://data.census.gov/table/ACSDT5Y2020.B16005?q=B16005&g=040XX00US0>  
13       4.

14       29. Facts produced on the page “QuickFacts: Maricopa County, Arizona.” U.S. Census

15       Bureau, *QuickFacts* (2022) (PX 521) (Ex. 41),

16       <https://www.census.gov/quickfacts/fact/table/maricopacountyarizona/PST045222>.

17       30. Facts produced on the page “QuickFacts: Pima County, Arizona.” U.S. Census

18       Bureau, *QuickFacts* (2022) (PX 522) (Ex. 42),

19       <https://www.census.gov/quickfacts/fact/table/pimacountyarizona/LND110210>.

1 **U.S. Department of Homeland Security Records**

- 2 31. According to the Department of Homeland Security (DHS), 969,380 persons  
 3 became naturalized U.S. citizens during Fiscal Year 2022. DHS, *Naturalizations*  
 4 (2023) (Ex. 43), <https://www.dhs.gov/immigration-statistics/naturalizations>.  
 5  
 6 32. Data tabulated in the DHS Profiles on Naturalized Citizens by State for Fiscal Years  
 7 2015-2022: Arizona. DHS, *Profiles on Naturalized Citizens* (PX 341-348) (Ex. 44),  
 8 <https://www.dhs.gov/profiles-naturalized-citizens>.  
 9  
 10 33. Data tabulated in the DHS Yearbook of Immigration Statistics, Naturalization  
 11 Supplementary Data Table 1d for the years 2013-2022. DHS, *Naturalizations* (Ex.  
 12 45), <https://www.dhs.gov/immigration-statistics/naturalizations>. Note also the  
 13 versions attached that are filtered to show the Arizona column that summarizes the  
 14 number of voting age Arizona residents that became naturalized citizens during each  
 15 of Fiscal Years 2013-2022 as well as the number of Arizona residents that became  
 16 naturalized citizens by countries of origin. DHS, *Yearbook of Immigration Statistics*  
 17 *2013, Naturalization Supplementary Data Table 1d* (PX 418) (Ex. 46),  
 18 (2013\_natzsuptable1d.xls); DHS, *Yearbook of Immigration Statistics 2014,*  
 19 *Naturalization Supplementary Data Table 1d* (PX 419) (Ex. 47),  
 20 <https://www.dhs.gov/immigration-statistics/yearbook/2014>  
 21 (2014\_natzsuptable1d.xls); DHS, *Yearbook of Immigration Statistics 2015,*  
 22 *Naturalization Supplementary Data Table 1d* (PX 420) (Ex. 48),  
 23 <https://www.dhs.gov/immigration-statistics/yearbook/2015>  
 24 (fy2015\_natzsuptable1d.xls); DHS, *Yearbook of Immigration Statistics 2016,*  
 25 *Naturalization Supplementary Data Table 1d* (PX 421) (Ex. 49),  
 26 <https://www.dhs.gov/immigration-statistics/yearbook/2016>  
 27 (fy2016\_natzsuptable1d.xls); DHS, *Yearbook of Immigration Statistics 2017,*  
 28 *Naturalization Supplementary Data Table 1d* (PX 422) (Ex. 50),

<https://www.dhs.gov/immigration-statistics/yearbook/2017>  
 (fy2017\_natzsuptable1d.xlsx); DHS, *Yearbook of Immigration Statistics 2018*,  
*Naturalization Supplementary Data Table 1d* (PX 423) (Ex. 51),  
<https://www.dhs.gov/immigration-statistics/yearbook/2018>  
 (fy2018\_natzsuptable1d.xlsx); DHS, *Yearbook of Immigration Statistics 2019*,  
*Naturalization Supplementary Data Table 1d* (PX 424) (Ex. 52),  
<https://www.dhs.gov/immigration-statistics/yearbook/2019>  
 (fy2019\_natzsuptable1d.xlsx); DHS, *Yearbook of Immigration Statistics 2020*,  
*Naturalization Supplementary Data Table 1d* (PX 425) (Ex. 53),  
<https://www.dhs.gov/immigration-statistics/yearbook/2020>  
 (fy2020\_natzsuptable1d.xlsx); DHS, *Yearbook of Immigration Statistics 2021*,  
*Naturalization Supplementary Data Table 1d* (PX 426) (Ex. 54),  
<https://www.dhs.gov/immigration-statistics/yearbook/2021>  
 (fy2021\_natzsuptable1d.xlsx); and DHS, *Yearbook of Immigration Statistics 2022*,  
*Naturalization Supplementary Data Table 1d* (PX 427) (Ex. 55),  
<https://www.dhs.gov/immigration-statistics/yearbook/2022>  
 (2023\_0818\_plcy\_yearbook\_naturalizations\_fy2022.xlsx).

34. According to DHS data listed in paragraph 31, the below table summarizes the  
 number of Arizona residents that became naturalized citizens during each of Fiscal  
 Years 2013-2022, as well as the number of Arizona residents that became  
 naturalized citizens from Asian countries of origin.

FY	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Arizona	13,165	11,268	13,748	11,374	12,462	12,072	14,277	13,672	17,512	16,396
Asia	3,579	3,173	4,043	3,314	3,206	3,170	4,469	4,570	5,471	4,923



1 **Other Government Records**

- 2 35. According to the Federal Register, the definition of “Hispanic or Latino” is: A  
 3 person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or  
 4 other Spanish culture or origin, regardless of race. The term, “Spanish origin,” can  
 5 be used in addition to “Hispanic or Latino.” Revisions to the Standards for the  
 6 Classification of Federal Data on Race and Ethnicity, 62 Fed. Reg. 58782-01 (1997)  
 7 (Ex. 56); *see also* U.S. Census Bureau, *Improvements to the 2020 Census Race and*  
 8 *Hispanic Origin Question Designs, Data Processing, and Coding Procedures*, (Aug.  
 9 3, 2021), [https://www.census.gov/newsroom/blogs/random-](https://www.census.gov/newsroom/blogs/random-samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-designs.html)  
 10 [samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-](https://www.census.gov/newsroom/blogs/random-samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-designs.html)  
 11 [designs.html](https://www.census.gov/newsroom/blogs/random-samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-designs.html) (accessed October 15, 2023).  
 12
- 13 36. According to the U.S. Election Assistance Commission, the Federal Voter  
 14 Registration Form is available in 21 languages, including English, Spanish, Bengali,  
 15 Chinese, Hindi, Japanese, Korean, Tagalog, and Vietnamese. U.S. Election  
 16 Assistance Commission *National Mail Voter Registration Form* (Oct. 11, 2023) (Ex.  
 17 57), <https://www.eac.gov/voters/national-mail-voter-registration-form>.  
 18
- 19 37. Facts produced on the page “Online Ordering Options” in the Arizona Department  
 20 of Health Services’ “Vital Records,” (2023) (PX 382) (Ex. 58),  
 21 <https://www.azdhs.gov/licensing/vital-records/index.php#online-ordering-options>.  
 22
- 23 38. Facts produced on the page “United States Passport Fees.” U.S. Department of  
 24 State, *United States Passport Fees*, (PX 383) (Ex. 59),  
 25 [https://travel.state.gov/content/dam/passports/forms-](https://travel.state.gov/content/dam/passports/forms-fees/Fee%20Chart%202023.pdf)  
 26 [fees/Fee%20Chart%202023.pdf](https://travel.state.gov/content/dam/passports/forms-fees/Fee%20Chart%202023.pdf).  
 27
- 28 39. According to the Center for Disease Control and Prevention, 3,664,292 persons were  
 born in the United States in 2021. U.S. Center for Disease Control and Prevention,

1        *National Vital Statistics System: Birth Data* (2023) (Ex. 60),

2        <https://www.cdc.gov/nchs/nvss>.

3        40. According to the Arizona Department of Health Services, 76,781 persons were born  
4        in Arizona in 2020. Arizona Department of Health Services, *Population Health and*  
5        *Vital Statistics: Table 5B-3* (Ex. 61), [https://pub.azdhs.gov/health-](https://pub.azdhs.gov/health-stats/menu/info/trend/index.php?pg=births)  
6        [stats/menu/info/trend/index.php?pg=births](https://pub.azdhs.gov/health-stats/menu/info/trend/index.php?pg=births).

7  
8        41. According to the Arizona Secretary of State's office, in the November 2020 election  
9        in Arizona, 3,387,326 votes were cast for president of the United States. Arizona  
10       Secretary of State, *State of Arizona Official Canvass: 2020 General Election – Nov*  
11       *03, 2020* (2020) (Ex. 62),  
12       [https://azsos.gov/sites/default/files/2020\\_General\\_State\\_Canvass.pdf](https://azsos.gov/sites/default/files/2020_General_State_Canvass.pdf).

13       42. According to the Arizona Secretary of State's office, the November 2020  
14       presidential election in Arizona was decided by a margin of 10,457 votes, with  
15       1,672,143 votes cast for President Biden and 1,661,686 votes cast for former  
16       President Trump. Arizona Secretary of State, *State of Arizona Official Canvass:*  
17       *2020 General Election – Nov 03, 2020* (Ex. 62),  
18       [https://azsos.gov/sites/default/files/2020\\_General\\_State\\_Canvass.pdf](https://azsos.gov/sites/default/files/2020_General_State_Canvass.pdf).

19       43. Guidance in the following United States Citizenship and Immigration Services  
20       ("USCIS") documents related to its Systematic Alien Verification for Entitlements  
21       (SAVE) program: *SAVE: Institute Additional Verification with Document Response*  
22       *- instruction sheet* (2022) (PX 276) (Ex. 63); *SAVE: Records: Fast Facts for Benefit*  
23       *Application – information* (2018) (PX 278) (Ex. 64), and *Information for SAVE*  
24       *Users: US Citizenship* (2020) (PX 411) (Ex. 65).  
25

26       A proposed order taking judicial notice of these facts is attached hereto.  
27  
28

1  
2 Date: November 3, 2023

3 GARY M. RESTAINO  
4 United States Attorney  
5 District of Arizona

Respectfully submitted,

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

6  
7  
8 */s/ Margaret M. Turner*  
9 RICHARD A. DELLHEIM  
10 EMILY R. BRAILEY  
11 SEJAL JHAVERI  
12 MARGARET M. TURNER  
13 JENNIFER J. YUN  
14 Attorneys, Voting Section  
15 Civil Rights Division  
16 U.S. Department of Justice  
17 4CON – Room 8.1815  
18 950 Pennsylvania Avenue, NW  
19 Washington, DC 20530  
20  
21  
22  
23  
24  
25  
26  
27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

Margaret M. Turner

Margaret M. Turner

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Ave, NW

Washington, DC 20530

(202) 353-5724

Margaret.M.Turner@usdoj.gov